S.B. CIVIL WRIT PETITION NO.5364/2003.
(Sunderlal Vs. State of Rajasthan and Ors.)

DATE OF ORDER : 06.02.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. KL Bishnoi for Mr. Vijay Bishnoi, for the petitioner
Mr. Shyam Ladrecha,AGA, for the respondent/s.

By an order dated 25.8.2003, the Executive Officer, Churu Sahakari Upbhokta Wholesale Bhandar Limited, Churu transferred the petitioner from Medical Shop No.2, Churu to Medical Shop No.6, Ratangarh and execution of that was deferred by an order dated 30.8.2003. By an another order dated 3.9.2003, interim order granted on 30.8.2003 was cancelled in view of the telephonic instructions received from the department of Cooperatives, Jaipur.

While giving challenge to the order dated 3.9.2003, it is contended by the counsel for the petitioner that the Executive Officer of the respondent Churu Sahakari Upbhokta Wholesale Bhandar Limited, Churu acted under the instructions of the Cooperative Department of the Government of Rajasthan though the same is having no jurisdiction to interfere in day to day matters pertaining to administration and management of the Society.

This Court while issuing notice to the respondents by order dated 17.9.2003, stayed operation of the order dated

3.9.2003, consequent thereto the petitioner is still working at Shop No.2, Churu.

Looking to the fact that the order impugned was passed in the year 2003, the administrative exigency, if any, then was existing may not be now there. Accordingly, without entering into merits of the case the order dated 3.9.2003 is quashed. It shall be open for the Executive Officer, Churu Sahakari Upbhokta Wholesale Bhandar Limited, Churu to decide the issue relating to give effect to the order dated 25.8.2003 objectively.

The petition for writ is disposed of accordingly.

(GOVIND MATHUR)J.

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